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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,065	04/12/2004	Alain Yang	D0932-00405	3991

8933 7590 11/01/2006

DUANE MORRIS, LLP  
IP DEPARTMENT  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103-4196

EXAMINER
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DAVIS, JENNA L

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/823,065

Applicant(s)

YANG ET AL.

Examiner

Jenna Davis

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 12-18, 20, 21, 24-32, 37-46, 49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-18, 20-21, 24-32, 37-46, 49, and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/4/06 & 7/19/06 2 4/2/04
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

Art Unit: 1771

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 14, 2006, has been entered.

### ***Response to Amendment***

The amendment filed August 14, 2006, has been entered. The pending claims are 1-7, 12-18, 20-21, 24-32, 37-46, 49, and 50.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification needs to recite the upper density limit of  $112 \text{ kg/m}^3$ .

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 12-18, 20-21, 24-32, 37-46, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/31131 to Zeng in view of Adiletta (US 4671979).

Art Unit: 1771

Zeng et al. teach an acoustical insulation product comprising primary glass fibers and multi-component polymer fibers. The multi-component fibers are made of a principal polymer component and a binder polymer component (abstract). A portion of the binder polymer component has been heated to bind the bicomponent fibers and the primary fibers to themselves and each other (pg.4 par.3). The bicomponent polymer fibers are shown as having been formed as sheath-core fibers (pg.5 par.3). Preferred fibers for use as the primary fibers are wool glass fibers. It is to be understood that the primary fibers can specifically be any mineral fibers such as fibers made of rock, slag and basalt. If glass fibers are used they are formed by the rotary process. The glass fibers typically have a diameter in the range of from about 3 to 30 microns. The bicomponent fibers are present in amounts of from about 20 to 60% by weight (pg.6 par. 1). The core and sheath of the bicomponent fibers are both thermoplastic polymers (pg.7 par.2). The sheath would necessarily have a melting point lower than the melting point of the core material. A facing material can be placed on the insulation material. It can be any suitable material such as a film, a foil or an open web such as a scrim (pg.5 par.3). Zeng expressly suggests the use of scrap wool glass fibers which at least renders obvious the use of scrap glass fibers that had been treated with a formaldehyde-containing binder on manufacture as well as the use of glass fiber blown insulation that has not been treated with a binder.

While Zeng et al. teach an insulation product with a thickness of about 2.54 centimeters (pg. 11 par. 1). Adiletta is drawn to an insulating structure for thermal/acoustical insulation. Adiletta teaches organic and inorganic fibers such as glass fibers. The density of the structure is relatively high from about 3.0 to about 8.0 pounds per cubic feet (equivalent to about 48 to 96 kilograms per cubic meters) (col.4 lines 6-10). The overall thickness of the insulating material

Art Unit: 1771

will be about from 0.25 to about 2 inches (which is about 6.35 to 50 mm) (col.5 lines 58-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the desired thickness and density through the process of routine experimentation in order to arrive at values which offered the optimum strength and reinforcement in the invention of Zeng et al. as taught by Adiletta.

Further, Zeng et al. are silent about the basis weight of the insulating product. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the desired weight through the process of routine experimentation in order to arrive at values which offered the optimum insulation in the invention of Zeng et al.

Finally, Zeng et al. are silent about the length of the glass and bicomponent fibers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the desired fiber lengths through the process of routine experimentation in order to arrive at values which offered the optimum reinforcement in the invention of Zeng et al.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-7, 12-18, 20-21, 24-32, 37-46, 49, and 50 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that Zeng expressly suggests the use of scrap fibers in the material disclosed therein at page 8. This would at least render obvious the use of such scrap fiber that had been treated with a formaldehyde-containing binder during original manufacture as well as scrap glass fiber that was to be used in blown insulation and which would not be treated with such a binder.

#### ***Information Disclosure Statement***

Art Unit: 1771

The published application to Yao dated 11/13/2003 and the published application to Yang dated 9/16/2004 cited in the Information disclosure statement submitted July 19, 2006, have not been considered because the publication numbers associated therewith are incorrect.

***Terminal Disclaimer***

The terminal disclaimers filed on August 14, 2006, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration dates of 10/806544, 10/782275 and 10/781994 have been reviewed and are accepted. The terminal disclaimers have been recorded.

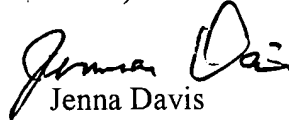
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna Davis whose telephone number is 571-272-3357. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jenna Davis  
Primary Examiner  
Art Unit 1771

Jld  
571-272-3357